

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

HAROLD WAYNE BLYTHE,

Petitioner,

v.

WARDEN DANNY CROMER and
THE ATTORNEY GENERAL OF
THE STATE OF ALABAMA,

Respondents.

CIVIL ACTION NO. 99-AR-2746-M

ENTERED

NOV 22 1999

MEMORANDUM OPINION

The petitioner, Harold Wayne Blythe, filed an application for a writ of habeas corpus challenging his pretrial confinement in the Cherokee County Jail pursuant to 28 U.S.C. § 2241. Pursuant to an order to show cause, the court was informed that the petitioner was no longer in state custody and the state drug charges against him were dismissed. (Doc. 3). The court also learned that the petitioner is now in federal custody on charges brought by the United States of America.

On November 17, 1999, a magistrate judge of this court entered an order informing the petitioner that this matter might be moot. (Doc. 4). The petitioner was afforded ten days to file a response. On November 18, 1999, the petitioner's counsel confirmed for the court that the petitioner had been incarcerated in the Cherokee County Jail after he was charged on state drug offenses. (Doc. 5). He was in custody premised on his inability to make the state bond of \$500,000 that was set by the Honorable Randall Cole of Cherokee County. Counsel also confirmed that the petitioner was now in federal custody.

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

[Signature]

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Upon consideration of the responses submitted by the United States Attorney for the Northern District of Alabama and counsel for the petitioner, the court finds that the petitioner's application for a writ of habeas corpus is due to be denied as moot. An appropriate order of dismissal will be entered contemporaneously herewith.

The Clerk of the Court is directed to serve a copy of this memorandum opinion upon the Attorney General of the State of Alabama, the United States Attorney for the Northern District of Alabama, the petitioner who is now incarcerated at the Calhoun County Jail, and counsel for the petitioner, William M. Hawkins, Jr., 440 West Main Street, Centre, Alabama 35960.

DONE, this the 22nd day of November, 1999.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE